

REMARKS

The present application was filed on March 16, 2004 with claims 1-31. Claims 1, 16 and 31 have been amended. No new matter has been added. Claims 1-31 remain pending, and claims 1, 16 and 31 are the pending independent claims.

In the outstanding Office Action dated March 9, 2007, the Examiner: (i) rejected claim 31 under 35 U.S.C §101; (ii) rejected claims 1-6, 9, 11, 12, 16-21, 24, 26, 27 and 31 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0161763 (hereinafter “Ye”) in view of U.S. Patent Application Publication No. 2002/01017858 (hereinafter “Lundahl”); (iii) rejected claims 7, 10, 22 and 25 under 35 U.S.C. §103(a) as being unpatentable over Ye in view of Lundahl and U.S. Patent No. 6,625,585 (hereinafter “MacCuish”); and (iii) rejected claims 8, 13-15, 23 and 28-30 under 35 U.S.C. §103(a) as being unpatentable over Ye in view of Lundahl and U.S. Patent Application Publication No. 2004/0098617 (hereinafter “Sekar”).

Applicants have amended claims 1, 16 and 31. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

With regard to the rejection of claim 31 under 35 U.S.C. §101, Applicants have amended independent claim 31 to produce an output and a tangible result. More specifically, independent claim 1 has been amended to recite that at least one of the one or more clusters is reported as an abnormal cluster of objects in the data stream. Accordingly, withdrawal of the rejection to claim 31 under 35 U.S.C. §101 is therefore respectfully requested.

With regard to the rejection of claims 1-6, 9, 11, 12, 16-21, 24, 26, 27 and 31 under 35 U.S.C. §103(a) as being unpatentable over Ye in view of Lundahl, Applicants respectfully assert that the collective teaching of Ye and Lundahl fails to suggest or render obvious at least the elements of independent claims 1, 16 and 31 of the present invention. For at least this reason, a prima facie case of obviousness has not been established.

Independent claim 1 recites a method for monitoring abnormalities in a data stream. A plurality of objects in the data stream are received. One or more clusters are created from the plurality of objects. At least a portion of each of the one or more clusters comprise statistical data representative of the respective cluster. The statistical data comprises a time-sensitive weight for each of the plurality of objects in each of the one or more clusters. The time-sensitive weight has a value that decreases at a specified rate such that more recently received objects are assigned a higher priority. The one or more clusters are condensed for maintenance at a high level of granularity as one or more cluster droplets. It is determined from the statistical data whether each of the one or more clusters is abnormal when compared to defined statistics. At least one of the one or more clusters is reported as an abnormal cluster of objects in the data stream. Independent claims 16 and 31 recite additional aspects of the present invention having similar limitations. Support for the amendments to the independent claims can be found on page 9, line 4, through page 13, line 10.

Ye discloses a technique for classifying data that involves receiving a set of training data from a physical process such as a computer network. Lundahl discloses techniques for the dynamic analysis of data represented in distinct matrices. However, the combined teaching of Ye and Lundahl does not result in Applicants' invention as recited in the subject claims and Applicants' invention as recited in the subject claims is not obvious in view of the combined teaching of Ye in view of Lundahl. The combined teaching of Ye and Lundahl does not result in a cluster having statistical data comprising a time-sensitive weight having a value that decreases at a specified rate such that more recently received objects are assigned a higher priority, as recited in amended independent claims 1, 16 and 31. The combined teaching of Ye and Lundahl also does not result in one or more clusters condensed for maintenance at a high level of granularity as one or more cluster droplets, as recited in amended independent claims 1, 16 and 31.

Dependent claims 2-6, 9, 11, 12, 17-21, 24, 26 and 27 are patentable at least by virtue of their dependency from independent claims 1 and 16. Dependent claims 2-6, 9, 11, 12, 17-21, 24, 26 and 27 also recite patentable subject matter in their own right. Accordingly, withdrawal of the rejection to claims 1-6, 9, 11, 12, 16-21, 24, 26, 27 and 31 under 35 U.S.C. §103(a) is therefore respectfully requested.

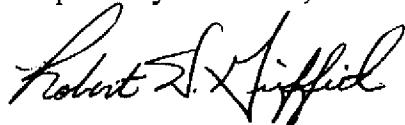
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With regard to the rejection of claims 7, 10, 22 and 25 under 35 U.S.C. §103(a) as being unpatentable over Ye in view of Lundahl and MacCuish, Applicants respectfully assert that MacCuish fails to remedy the deficiencies of Ye and Lundahl provided above, and thus such claims are patentable at least by virtue of their dependency from independent claims 1 and 16. Claims 7, 10, 22 and 25 also recite patentable subject matter in their own right. Accordingly, withdrawal of the rejection to claims 7, 10, 22 and 25 under 35 U.S.C. §103(a) is therefore respectfully requested.

With regard to the rejection of claims 8, 13-15, 23 and 28-30 under 35 U.S.C. §103(a) as being unpatentable over Ye in view of Lundahl and Sekar, Applicants respectfully assert that Sekar fails to remedy the deficiencies of Ye and Lundahl provided above, and thus such claims are patentable at least by virtue of their dependency from independent claims 1 and 16. Claims 8, 13-15, 23 and 28-30 also recite patentable subject matter in their own right. Accordingly, withdrawal of the rejection to claims 8, 13-15, 23 and 28-30 under 35 U.S.C. §103(a) is therefore respectfully requested.

In view of the above, Applicants believe that claims 1-31 are in condition for allowance, and respectfully request withdrawal of the §101 and §103(a) rejections.

Respectfully submitted,



Robert W. Griffith
Attorney for Applicant(s)
Reg. No. 48,956
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-4547

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